

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

TOIE NICULESCU,

Defendant.

USDC SDNY
DOCUMENT
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INDICTMENT RCD

07 Cr. _____

07 CRIM. 517

COUNT ONE

The Grand Jury charges:

1. From at least in or about 2004 up to and including in or about March 2007, in the Southern District of New York and elsewhere, TOIE NICULESCU, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Sections 1324(a)(1)(A)(i) and (a)(1)(A)(ii) of Title 8, United States Code.

2. It was a part and an object of the conspiracy that TOIE NICULESCU, the defendant, and others known and unknown, unlawfully, willfully, and knowingly would and did bring, and attempt to bring, in any manner, persons to the United States, knowing that such persons were aliens, at places other than a designated port of entry and places other than as designated by the Commissioner, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(i).

JUDGE KOELTL

3. It was a further part and an object of the conspiracy that TOIE NICULESCU, the defendant, and others known and unknown, unlawfully, willfully, and knowingly would and did transport and move, and attempt to transport and move, an alien within the United States, knowing and in reckless disregard of the fact that the alien has come to, entered, and remained in the United States in violation of law, by means of transportation and otherwise in furtherance of such violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

Means and Methods of Conspiracy

4. Among the means and methods employed in conducting and participating in the conduct of the conspiracy were the following:

a. TOIE NICULESCU, the defendant, and other co-conspirators belonged to an international ring of alien smugglers operating out of Romania, Mexico, and the United States, among other places, which smuggled Romanians into the United States via Mexico City, Mexico.

b. The leader of the alien smuggling ring, a co-conspirator not named herein ("CC-1") recruited Romanian citizens of "Gypsy" or "Roma" descent who wished to leave Romania. For a fee of several thousand dollars per person, CC-1 gathered together a group of Romanians, procured fake or fraudulent travel documents for the Romanians, and arranged for their transportation from Romania, through various points in

Europe, to Mexico and then ultimately into the United States, without the legally required documents and at places other than designated ports of entry.

c. The Romanians typically traveled from Arad, Romania, to Budapest, Hungary. In Budapest, the Romanians boarded an airplane and typically flew to another European city, which was used as a point of departure to Mexico City, Mexico.

d. When the Romanians landed in Mexico City, CC-1 or other co-conspirators facilitated their passage through Mexican customs with fake or fraudulent Mexican travel documents, which the Romanian travelers presented to immigration and/or customs officials upon their arrival in Mexico City.

e. Once the Romanians cleared Mexican customs, TOIE NICULESCU, the defendant, among others, met the Romanians at the airport and transported them to a house in Mexico City, which was used as a "safe house." Among other things, TOIE NICULESCU, the defendant, managed the safe house and facilitated the Romanians' travel from Mexico City to the Mexico/United States border.

f. At the border, the Romanians entered the United States without the proper documents, and at places that are not designated ports of entry. The Romanians typically entered the United States with the assistance of Mexican smugglers engaged by CC-1 or other co-conspirators. Certain Romanians were then encountered by federal border patrol agents

within a few hours of their illegal entry, detained for a period of time, and then released into this country. Certain other Romanians were brought by Mexican smugglers to cities in Texas, and directed by the Mexicans to the local bus station. The Romanians then traveled by bus to their final destination, including, among other places, the Port Authority bus station in New York, New York.

Overt Acts

5. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about the middle of 2004, TOIE NICULESCU, the defendant, paid a smuggling debt owed by a Romanian who entered the United States without the proper documents, and at a place that was not a designated port of entry, and then transported the Romanian from Texas to Ridgewood, New York.

b. In or about August 2006, TOIE NICULESCU, the defendant, housed a Romanian family that had been smuggled from Romania, through Europe, and into Mexico City, Mexico, at a safe house in Mexico City, for the purpose of facilitating the Romanian family's travel into the United States.

(Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).)


FOREPERSON


MICHAEL J. GARCIA
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MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.
